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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,766	12/30/1999	BRYAN J. MOLES	SAMS01-00098	6831
23990	7590	10/06/2004	EXAMINER	
DOCKET CLERK P.O. DRAWER 800889 DALLAS, TX 75380			NALVEN, ANDREW L	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/475,766	MOLES ET AL.
	Examiner	Art Unit
	Andrew L Nalven	2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 27 August 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 December 1999 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. Claims 1-20 are pending.
2. Amendment submitted 8/27/04 has been entered and considered.

***Response to Arguments***

3. Applicant's arguments filed 8/27/04 have been fully considered but they are not persuasive.
4. Applicant has argued on page 7 that the Hsu reference fails to disclose the first controller receiving an IP data packet that has been transmitted by the unprovisioned mobile station. Examiner respectfully disagrees and contends that Hsu teaches a first controller (Hsu, column 15 lines 7-10, proxy server viewed as first controller) receiving an IP data packet (Hsu, column 15 lines 1-6 and column 6, lines 22-25) that has been transmitted by the unprovisioned mobile station (Hsu, column 15 lines 7-10, digital telephone). As such, Hsu teaches an unprovisioned mobile station transmitting an IP packet to a first controller.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 8-14, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al US Patent No. 6,587,684 in view of Dusse et al US Patent No. 6,647,260. Hsu teaches a system for downloading updates to a digital phone using wireless data link protocols. Dusse teaches a method for facilitating web based provisioning of two-way mobile communications devices.

7. With regards to claims 1, 8-9, and 16, Hsu discloses a first controller capable of receiving an IP data packet transmitted by said unprovisioned mobile station (Hsu, column 15 lines 1-10, proxy server viewed as first controller), an IP data packet comprising a header and payload (Hsu, column 6, lines 22-25 and column 15, lines 1-9, Figure 4B), determining that a station is unprovisioned (Hsu, column 15 lines 7-10 and 21-25). Hsu fails to teach the encrypting of at least a portion of said IP packet payload to thereby generate an encrypted payload that may be decrypted only by a provisioning server of the wireless network. Dusse teaches the encrypting of at least a portion of said IP packet payload to thereby generate an encrypted payload that may be decrypted only by a provisioning server of the wireless network (Dusse, column 7 lines 1-14, secure communications session between proxy server and provisioning server). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Dusse's method of securing communication between the provisioning server and first controller because it offers the advantage of protecting

sensitive information such as credit card information from interception (Dusse, column 5 lines 15-20, column 1 lines 61-67).

8. With regards to claims 2 and 10, Hsu as modified teaches a first controller disposed in a base station (Hsu, column 6, lines 25-30).

9. With regards to claims 3 and 11, Hsu as modified teaches a first controller disposed in a mobile switching center (Hsu, column 6, lines 25-30).

10. With regards to claims 4, 12, and 17, Hsu as modified teaches a second controller capable of determining that a mobile station is unprovisioned (Hsu, column 15, lines 13-27).

11. With regards to claims 5, 13 and 18, Hsu as modified teaches a second controller determining that a mobile station is unprovisioned if it is unable to authenticate to the wireless network (Hsu, column 15, lines 13-27).

12. With regards to claims 6, 14, and 19, Hsu as modified teaches a second controller determining a mobile station is unprovisioned according to a predetermined telephone number associated with the provisioning process (Hsu, column 14, lines 19-27).

13. Claims 7, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al US Patent No. 6,587,684 in view of Houde US Patent No. 6,032,043.

14. With regards to claims 7, 15, and 20, Hsu as modified above, lacks a reference to a second controller determining that a mobile station is unprovisioned through data associated with a home location register. Houde teaches that the home location

register can be queried for information regarding authorized features on a mobile handset (Houde, column 4, lines 38-61). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Houde's method of using home location register information because it offers the advantage of allowing the activation, deactivation, and execution of service features at command of the user (Houde, column 1, lines 33-47).

### **Conclusion**

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
16. Rudrapatna et al US Patent No. 5,592,470 discloses a broadband wireless system and network architecture providing broadband/narrowband server with optimal static and dynamic bandwidth channel allocation.
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L Nalven whose telephone number is 703 305 8407 (Before October 26, 2004) or 571 272 3839 (After October 26, 2004). The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703 308 4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven

ACN

  
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